

REMARKS

Claims 1-9, 11, 17-21 and 23 are presented for consideration by the Examiner. The claims have been amended in response to the rejections and remarks in the Office Action mailed November 18, 2005, and every ground of rejection has been addressed.

I. EXAMINER INTERVIEW WAS HELD

A telephone interview was held with the Examiner on February 2, 2006, during which agreement was reached on some of the issues raised by applicant. The Examiner's remarks were helpful in assisting applicant's counsel in focusing on elements the Examiner considers most promising. A report of the substance of the interview is contained in the remarks below.

The amendments above were made in accordance with the Examiner's suggestions given during said interview, and applicant makes the following points of law and fact in further support of said amendments.

II. OBJECTIONS TO DRAWINGS ARE TREATED

Responsive to the objection made to the drawings for not showing the method steps of claims 12-15, claims 12-15 have been canceled herein. Accordingly, applicant respectfully requests that the objection to the drawings be withdrawn.

III. REJECTIONS OF CLAIMS UNDER 35 U.S.C. § 112 ARE TREATED

Regarding the rejection of the claims under 35 U.S.C. §112, the claims have been amended herein in a manner which is believed to overcome said rejection. Accordingly, applicant respectfully requests that the rejection be withdrawn.

IV. REJECTIONS OF CLAIMS UNDER 35 U.S.C. §§ 102 AND 103 ARE TREATED

Claims 1-9, 11-15, and 17-22 were rejected under 35 U.S.C. §§ 102 or 103, in light of one or more of the following references: U.S. Patent No. 3,746,198 to Howland, U.S. Patent No. 3,212,660 to Adell, U.S. Patent No. 6,073,788 to Stroud, U.S. Patent No. 3,393,817 to Meierhoefer, U.S. Patent No. 3,635,724 to Schaar, U.S. Patent No. 4,706,827 to Cabernoch et al., U.S. Patent No. 3,373,864 to Barton et al., and U.S. Patent No. 3,225,950 to Josephsen et al. Also, the examiner presented another patent, U.S. Patent No. 2,842,277 to Jewell (Jewell) during the examiner interview.

Regarding independent claim 1, subject matter has been added to the claim including: wherein said support comprises a substantial U shaped member having rods on opposing ends for being received into said grooves to allow said support to pivot with respect to said receptacle, said support further comprising two substantially straight members extending from said rods and a curved portion joining said two substantially straight portions

opposite said rods, said curved portion conforming to a shape of said body portion;

whereby said rods slide along said groove to change a position of said support with respect to said body portion to thereby adjust said angle of said receptacle. This subject matter is supported in the disclosure, *inter alia*, claim 22, FIG. 5, and the paragraph starting on page 14, line 13. Accordingly, no new matter has been added.

As agreed in the examiner interview, the prior art references of record, including the Jewell patent, fail to disclose this subject matter. The support 7 disclosed in the Jewell patent is merely a hanging support for a bottle. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Since the prior art references of record fail to teach or suggest all of the subject matter now required by claim 1, claim 1 is believed to be allowable.

Dependant claims 2-9, and 11 depend from claim 1 or a claim depending from claim 1, and are therefore believed to be allowable for at least the reasons given in support of claim 1.

Regarding independent claim 17, subject matter has been added to the claim similar to the subject matter added to claim 1, plus additional subject matter required for proper antecedent basis. Accordingly, claim 17 is believed to be allowable for at least the reasons discussed above with regard to claim 1.

Dependant claims 18-21 depend from claim 17 or a claim depending from claim 17, and are therefore believed to be allowable for at least the reasons given in support of claim 17.

Regarding new claim 23, the subject matter of claim 23 is supported in the disclosure, *inter alia*, original claim 1 plus FIG. 5, and the paragraph starting on page 14, line 13. Accordingly, no new matter has been added. Claim 23 also includes the subject matter added to claim 1 and 17 as discussed above. Accordingly, claim 23 is believed to be allowable for at least the reasons given in support of claim 1.

V. CONCLUSION AND AUTHORIZATION OF DEPOSIT ACCOUNT

In view of the foregoing, applicant believes that claims 1-9, 11, 17-21 and 23 are all allowable and the same is respectfully requested. If any impediment to the allowance of these claims remains after entry of this Amendment, and such impediment could be

alleviated during a telephone interview, the Examiner is invited to initiate the same.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 50-0836.

DATED this 15th day of February, 2006.

Respectfully submitted,

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